

Amesbury Municipal Council Minutes
Tuesday, January 13, 2009
Town Hall Auditorium

Call to Order 7:00PM

Pledge of Allegiance – Councilor Gilday

Roll Call: Robert Gilday, Robert Lavoie, Joseph McMilleon, Allen Neale, Jonathan Sherwood, Mary Chatigny, Stephen Dunford, Anne Ferguson, Roger Benson

Council Reorganization

Town Clerk Bonnijo Kitchin asked for nominations for Municipal Council President.
Councilor Lavoie nominated Roger Benson for president, Councilor Neale seconded.

Councilor Neale moved that the nominations be closed.

Roll Call Vote – 9 Yes (Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson)

President Benson asked for nominations for Municipal Council Vice President.
Councilor Neale nominated Councilor Lavoie, Councilor Dunford seconded.

President Benson moved that the nominations be closed.

Roll Call Vote – 9 Yes (Gilday, Lavoie, McMilleon, Neale, Sherwood, Chatigny, Dunford, Ferguson, Benson)

Public Comment

Stephen Dunford, 27 Woodman Rd. – Mr. Dunford commended the City and the Mayor for their response to ice storm in December.

Jane Snow, 44 Fern Avenue – Ms. Snow read the Mount Prospect cemetery will be used to drop off white goods. She finds that totally unacceptable and states there is a MGL against using a cemetery for anything other than a cemetery. She asked Councilors Chatigny and Gilday to make sure this does not happen. In regards to the leaf dump; the town took in over \$20,000 and she feels it is enough to make a leaf dump viable in Amesbury and not move it to Newburyport. Ms. Snow is concerned about the budget and states salaries are killing the town and need to be under control.

James Thivierge, 106 Friend Street – Mr. Thivierge hopes the council reads the grants before they vote to accept them. He believes the recap sheet should be available to the public.

Mayor Kezer spoke about the financial situation in Amesbury and the Commonwealth. He states there will be significant cuts to local aid for the current fiscal year causing an immediate decrease in the level of funds that Amesbury has. In anticipation he has put in place a freeze on hiring and spending. In regards to the tax rate he stated it is being impacted by the budget, the debt service and property value changes. Property values have gone down therefore driving the tax rate up. This year there was also the change back to a single tax rate from a split rate. Mayor Kezer recognizes there are some challenging times ahead and welcomes and appreciates the cooperative spirit Amesbury has to work together. For that reason he feels Amesbury is in a good position to weather the financial storm ahead.

Councilor McMilleon believes that given the economic times and the reduction in local aide the town now needs to take a hard look at salaries, contracts and layoffs. Mayor Kezer stated they are looking at the organizational structure however; there are minimum staffing levels required in some departments. He is also looking for other new ways to reduce spending by changing the way services are delivered but has come up against some resistance.

Councilor Neale feels that given the predicted cut in local aide, half way through the fiscal year; it will result in reduced services.

Councilor Chatigny asked when the current union contracts expire. Mayor Kezer stated this is the first of 3 years, 2011. He stated he succeeded in getting all the contracts to line up and expire in the same year to help with negotiating benefits.

Councilor Sherwood asked Mayor Kezer if the cut to local aide this year will be the new bench mark for the amount to expect next fiscal year. He believes all indicators point that way. He states the Mayor's across the state are asking the legislature to give them the powers the state enjoys to better control costs.

Council Response to Public Comment

Councilor Gilday agrees with Ms. Snow's disapproval of having white goods dropped off at the Cemetery. He goes on to suggest as a possible cost savings to back out the curbside collection of leaves from the new trash contract.

Councilor Sherwood asked Ms. Snow if, as a member of the Cemetery Commission, she has met with somebody from the Town about her concerns about the white goods being dropped off at the cemetery. In regards to the fact that Amesbury is one of the top 10 highest tax rates in the Commonwealth he went on the Department of Revenue web site for comparative information. Since 2000 Amesbury has had a higher rate for four year and a lower rate for five years compared to the current rate. The rise and fall of the tax rate has followed housing values.

Councilor Lavoie states because peoples home values have gone down, until there is a reduction in the amount of money authorized to spend to provide town services, the tax rate will have to go up.

Councilor Chatigny commends the Mayor's office for the garbage and recycling contract. She challenges all of the citizens to take seriously the opportunity to be saving money through recycling tonnage. It is a small way all citizens can help to get spending down to help lower the tax rate.

Councilor McMilleon states the town has got to take a very hard look at their expenditures. If the projections come true about cutting additional local aide, union contracts will have to be either renegotiated or people are going to be cut.

President Benson believes the town as a whole is in a much better financial position than it was 10 years ago. The town is prepared to face this economic challenge. He states it will hurt, there will be layoffs but hopefully we can minimize reduction in services.

Licenses and Permits

2009-015 Petition by New England Power Company to operate transmission lines across Middle Road

President Benson read 2009-015 into the record.

Bess Gorman represented New England Power Company. Ms. Gorman stated New England Power Company filed for approval for a new street crossing across Middle Road to enter the new sub station.

Councilor Gilday asked if there will be any new poles. Ms. Gorman stated there will be new poles but not on the public way they will be on private property.

Councilor Ferguson asked if Mr. Pender is in approval of this proposal. Mr. Pender stated that he approves.

Councilor Lavoie explains New England Power Company has a '200 right of way that has been in existence a long time. By virtue of the easement they have certain rights within the right of way and the permission needed tonight is not from property owners but from the town so the wires can cross a right of way or Middle Road.

Councilor Ferguson motioned to approve 2009-015 as submitted, Councilor Sherwood second.
Voted - Unanimous

2008-103 Weekday Pool – Szechuan Café, 88 Haverhill Rd.

President Benson read 2008-103 into the record.

Ke Bin Chen appeared representing Szechuan Café.

Councilor Lavoie motioned to approve 2008-103 as submitted, Councilor Dunford second.
Voted - Unanimous

2008-104 Sunday Pool – Szechuan Café, 88 Haverhill Rd.

President Benson read 2008-104 into the record.

Councilor Sherwood motioned to approve 2008-104 as submitted, Councilor Ferguson second.

Voted – Unanimous

2009-002 Common Victualler - GK & K Pushcart and Concessions –Town Ways

President Benson read 2009-002 into the record.

Councilor Ferguson motioned to continue 2009-002 to the February meeting, Councilor McMilleon second – Voted - Unanimous

2009-003 Dine, Dance & Entertainment – Plum Island Coffee Roasters, Inc

President Benson read 2009-003 into the record.

Joyce Coady appeared representing Plum Island Coffee Roaster, Inc. Ms. Coady is applying for a 2 Day Optional license. She does not believe it will be every weekend and the hours would be approximately 5 – 10PM.

Councilor Ferguson motioned to approve 2009-003 as submitted, Councilor Dunford second.
Voted – 8 yes, 1 opposed (Benson)

Mayoral Appointments

2009-009 Jill Hrubes – Community Action Board of Directors

President Benson read 2009-009 into the record.

Ms. Jill Hrubes stated she has been on the Community Action Board of Directors for the last four years as their low income representative and due to an opening she was nominated by the Executive Director to be the Mayor's representative on the Board.

Councilor Sherwood motioned to accept 2009-009 as submitted, Councilor Neale second.

Voted - Unanimous

2009-010 Sandra Gordon – Zoning Board of Appeals unexpired term to expire 6/30/11

President Benson read 2009-010 into the record.

Sandra Gordon stated she has been the secretary for the ZBA for over two years and would like to offer her experience to the ZBA. She feels she can offer an unbiased opinion on the matters that come before the board.

Councilor Ferguson motioned to approve 2009-010 as submitted, Councilor McMilleon second.

Voted - Unanimous

2009-011 William Lavoie – Associate member of the Zoning Board of Appeals term to expire 6/30/11

President Benson read 2009-011 into the record.

Councilor Lavoie recused himself from discussion and deliberation on 2009-011.

William Lavoie stated he has served on Traffic and Transportation, he enjoys serving the community and this would be one more step towards his involvement.

Councilor Ferguson and President Benson both thanked Mr. Lavoie for his service on the Traffic and Transportation Committee.

Councilor McMilleon motioned to approve 2009-011 as submitted, Councilor Neale seconded.

Voted 8 Yes, 1 recuse (Lavoie)

Late File

Councilor Sherwood motioned to take out of order and accept as late files 2009-017 and 2009-018, Councilor Ferguson – Voted Unanimous

2009-018 Energy Task Force Ad-hoc Committee appointments.

President Benson read 2009-018 into the record.

Councilor Ferguson motioned to approve 2009-018 Michael Browne, Jonathan Camp, Barbara Lorenc, Raymond Shockey and Erika Spanger-Siegfried, Councilor Neale second.

Voted Unanimous

2009-017 Appointment of David E. Randall – Landry Stadium Management Committee – term to expire 6/30/11.

President Benson read 2009-017 into the record.

David Randall stated he graduated from Amesbury High School and works at the Provident Bank in Amesbury. He has been a town meeting representative, served on the Cashman School Council as a Community Representative and Chairman of the Woodsom Farm Committee.

Councilor Ferguson motioned for approval of 2009-017 as submitted, Councilor Gilday second.
Voted – Unanimous

Recess 8:20 – 8:30PM

President Benson formally appoints Councilor Dunford and Councilor McMilleon to the Energy Task Force.

Second Readings

Public Hearings

2008-061 A Request to accept Riverfront Drive and Cabot Court for Ownership by the Public as a Public Way – Mayor Kezer sponsor cont.

President Benson read 2008-061 into the record and opened the public hearing.

Councilor Gilday states he is still working out some details with the developer and the Town Engineer about as built, street acceptance plans, certificates of insurance etc. He hopes to have everything completed for the February Municipal Council meeting.

President Benson closes the public hearing.

Councilor Neale motioned to continue 2008-061 to the February Municipal Council meeting, Councilor Dunford second. – Voted - Unanimous

First Readings

2009-004 Order to accept a \$5,000 Grant from Office of Public Safety & Security for APD - Mayor Kezer sponsor

President Benson read 2009-004 into the record.

Councilor Ferguson motioned to refer 2009-004 to the Finance Committee, Councilor Dunford second. Voted – Unanimous

2009-005 Request to declare 1989 Chevrolet V3500 Dump Truck belonging to the DPW surplus – Mayor Kezer sponsor

President Benson read 2009-005 into the record.

Councilor Neale motioned to refer 2009-005 to the Finance Committee, Councilor Dunford second.
Voted - Unanimous

2009-007 Order to accept a \$7,792.00 grant from the Executive Office of Public Safety for AFD – Mayor Kezer sponsor

President Benson read 2009-007 into the record.

Councilor Neale motioned to refer 2009-007 to the Finance Committee for a public hearing, Councilor Ferguson second.

Voted – Unanimous

2009-008 Order to accept a \$4,464.62 grant from Executive Office of Public Safety for the S.A.F.E program – Mayor Kezer sponsor

President Benson read 2009-008 into the record.

Councilor Ferguson motioned to refer 2009-008 to the Finance Committee for a public hearing, Councilor Neale second. –Voted - Unanimous

Late File

Councilor Neale motioned to accept late files 2009-014 & 2009-016, Councilor Ferguson second.

Voted – Unanimous

2009-014 Order to overspend the FY2009 Snow & Ice budget

President Benson read 2009-014 into the record.

Councilor Dunford motioned to refer 2009-014 to the Finance Committee, Councilor Ferguson second.

Voted – Unanimous

2009-016 Resolution to NOT support a cut to local aid – Councilor McMilleon sponsor

Councilor McMilleon read 2009-016 into the record.

Councilor Ferguson motioned to approve 2009-016 as submitted, Councilor Dunford second.

Voted - Unanimous

Correspondence

a. President/Vice President Communications

2009- 013 Re-appointment of Town Clerk

Councilor Lavoie motioned to approve 2009-013 with the minor correction that the 3rd line end with the word “order” and not include the phrase “and terminate three years hence on January 13, 2012”, Councilor McMilleon second.

Voted - Unanimous

b. Communication from Elected Officials, Boards and Commissions

2009-006 2009 Election Calendar

Councilor Lavoie motioned 2009-006 be adopted as submitted, Councilor McMilleon second.

Nomination papers for town offices will be available May 4, 2009.

Voted - Unanimous

2008-106 Amend Zoning By-Law to create a priority development overlay district -

Refer to February meeting for public hearing

Councilor Lavoie motioned to refer 2008-106 to the February 2009 Municipal Council meeting for a public hearing, Councilor Neale second.

Voted - Unanimous

2009-012 Resignation of Marguerite Zagranis from Planning Board

President Benson read 2009-012 into the record.

Councilor Sherwood motioned to accept the resignation of Marguerite Zagranis from the Planning Board and declare the seat vacant, Councilor Chatigny second.

Voted - Unanimous

c. Council Communications, Announcements and Committee Reports

Councilor Lavoie states the meeting with Council President, Council Vice President and the Mayor will be a week before the council meeting for the balance of the year.

Councilor McMilleon motioned to adjourn, Councilor Neale second

Voted Unanimous 8:54PM

Respectfully Submitted,
Assistant Town Clerk